

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

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UNITED STATES OF AMERICA ex rel.  
MELAN DAVIS and BRAD DAVIS,

Plaintiffs,

v.

ERIK PRINCE, et al.,

Defendants.

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Case No. 1:08-cv-1244 – TSE-TRJ

**DEFENDANTS’ MOTION *IN LIMINE* TO  
PRECLUDE RELATORS FROM OFFERING EVIDENCE OF DAMAGES**

Defendants respectfully move this Court for an order precluding relators from offering at trial any evidence of damages because they have not provided defendants with any computation of each category of damages claimed, as required by Fed. R. Civ. P. 26(a)(1)(A)(iii). Pursuant to Federal Rule of Civil Procedure 37(c)(1), this Court has the authority to preclude evidence based on information not timely provided in accordance with Rule 26. Further, Rule 26(e) requires parties to supplement their disclosures “*in a timely manner* if the party learns that in some material respect the disclosure or response is *incomplete* or incorrect.” Fed. R. Civ. P. 26(e)(1)(A) (emphasis added).

Grounds for this motion are set forth in the memorandum of points and authorities that accompanies this motion.

**WHEREFORE**, defendants respectfully ask this Court to grant their motion *in limine* to preclude relators from offering at trial any evidence of damages.

Dated: May 27, 2011

Respectfully submitted,

/s/David W. O'Brien

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 27th day of May, 2011, the foregoing was filed with the Court using the CM/ECF system which will send notification to the following:

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